

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL PETITION No.12605 of 2016

ORDER:

The criminal petition is filed under Section 482 Cr.P.C. to quash the proceedings in Cr.No.434 of 2013 of Saifabad P.S, Hyderabad, registered for the offences punishable under sections 448, 506 and 354 and under Section 3 (1)(x) of SCs & STs (POA) Act.

Heard the learned counsel appearing for the petitioner/A2 and the learned Additional Public Prosecutor, representing the State.

Specific allegations were made against the petitioner/A2 in the complaint. This is a matter which requires investigation by the police. The truth or otherwise of the allegations can only be decided during course of investigation. I see no ground to interdict the investigation at this stage and quash the first information report.

In the facts and circumstances of the case and as requested by the learned counsel for the petitioner, the Criminal Petition is disposed of, directing the investigating agency not to arrest the petitioner/A2 without scrupulously following the procedure, as envisaged under Section 41-A Cr.P.C and as held by the Apex Court in ***Arnesh Kumar v. State of Bihar***^[1] during course of investigation.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAISWAL,J

Date: 01.09.2016
Dsr

^[1] 2014(2) ALT (CrI.) 457 (SC)